

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 6 is requested to be cancelled without prejudice or disclaimer. Claims 1-5, 7, 8 and 9 are currently being amended. Claims 10 and 11 are added.

This amendment adds, changes and deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Specification

A substitute specification is submitted with markings showing all the changes relative to the prior version of the specification on record. In addition, a clean version of the amended specification is submitted. Applicant respectfully submits that no new matter has been added to the specification. The amendments to the specification are to improve its readability.

Claim Objections

In the Office Action, claims 1, 3, 5 and 9 were objected to because of informalities. Claims 1, 3, 5 and 9 are currently amended to correct the informalities noted in the Office Action. Therefore, Applicant respectfully requests that the objections be withdrawn.

Rejections Under U.S.C. § 112

In the Office Action claims 1-6 and 9 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant cancels claim 6 and amends claims 1-5 and 9. As amended, Applicant believes that the claims satisfy the requirements of 35 U.S.C. § 112, second paragraph. Therefore, Applicant respectfully requests that the rejection be withdrawn.

Rejections Under 35 U.S.C. § 102

In the Office Action claims 1-4 were rejected as being anticipated under 35 U.S.C. § 102(e) by Nakagawa et al. (U.S. Patent 6,585,385 B2). In addition, claims 5-7 and 9 were rejected under 35 U.S.C. § 102(e) as being anticipated by Sugiyama et al. (U.S. Patent Application 2003/0116079 A1). In response, without agreeing or acquiescing to the rejections, Applicant cancels claim 6 and amends claims 1-5, 7 and 9. Applicant respectfully traverses the rejections for at least the reasons that follow.

Applicant relies on M.P.E.P. § 2131, entitled “Anticipation – Application of 35 U.S.C. § 102(a), (b) and (e)” which states, “a claim is anticipated only if each and every element set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Applicant respectfully submits that Nakagawa et al. and Sugiyama et al. do not describe each and every element of the claimed invention.

Applicant submits that Nakagawa et al. does not teach or suggest each and every element of the claimed invention. Amended claim 1 recites a light emitting portion formed on a tip edge portion of the outer periphery wall member by disposing concealing means in the side faces of the outer periphery wall member. Nakagawa does not teach or suggest an instrument configured with light emitting portions as recited claim 1. Instead, Nakagawa teaches that light from the “light sources 35 enter the light conducting supporting plate 28 from the light introducing inclined portions 37, and the light thus entering the plate 28 is guided to a light conducting pointer 36...” (Col 5, lines 30-37). Thus, Nakagawa fails to disclose the light emitting portion as claimed in amended claim 1.

Further, Nakagawa does not teach or disclose a transparent cover as recited in amended claim 1. Amended claim 1 recites a transparent cover which extends from a top of the cylindrical housing to a back end of an edge portion of the outer periphery wall member. The transparent cover is integrally connected to the back end of the edge portion. Further, the transparent cover has a reflective surface to reflect outside light toward an inner circumference surface of the outer periphery wall member. Nakagawa et al. does not teach or suggest a transparent cover configured as recited in claim 1. Nor does Nakagawa et al. teach a transparent cover having a reflective surface. Instead, Nakagawa et al. only teaches “a cover

42 is arranged in the front case 43 to extend across the interior of the same.” (Col 4, lines 8-10). Thus, Nakagawa fails to disclose the transparent cover as claimed in amended claim 1.

Accordingly, Applicant submits that Nakagawa et al. does not describe each and every element of amended claim 1. Therefore, Applicant respectfully request that the rejection be withdrawn and claim 1 be allowed. Further, claims 2-4 are dependent upon claim 1 and are allowable for at least that reason.

With regards to claims 5-9, Applicant submits that Sugiyama et al. does not teach or disclose each and every limitation in the claimed invention. Claim 5, as amended, recites a cylindrical housing which is disposed on a base portion of the indicating needle. The cylindrical housing extends upward from the base portion. A small display section is provided in the top part of the cylindrical housing wherein a transparent cover is disposed to extend from the top of the housing to an edge portion of the plate. (See Figure 1). In contrast, Sugiyama et al. discloses the use of a liquid crystal panel (102) mounted on a flat unit. (See Col. 2, paragraphs 27-47). Sugiyama et al. does not disclose a cylindrical housing as claimed in claim 5 nor does it disclose a small display section provided in the top part of a cylindrical housing. Further, Sugiyama et al. does not disclose a transparent cover configured to extend from the top of the cylindrical housing to the outer periphery wall member. Thus, Sugiyama et al. does not teach or disclose a cylindrical housing or a transparent cover as claimed in amended claim 5. Accordingly, Applicant respectfully submits that Sugiyama et al. does not describe each and every element of amended claim 5.

Therefore, Applicant respectfully requests that the rejection be withdrawn and claim 5 be allowed. Further, claims 7 and 9 are dependent upon claim 5 and are allowable for at least that reason.

Rejection Under U.S.C. § 103

In the Office Action, claim 8 was rejected under U.S.C. § 103(a) as being unpatentable over Sugiyama et al. In response, without agreeing or acquiescing to the rejection, claims 5 and 7-9 are amended. As recited above, Applicant submits that claim 5 is not anticipated by Sugiyama et al. and is now allowable. Claim 8 depends from claim 5 and

for at least that reason, claim 8 is patentable over Sugiyama et al. and should be allowed. Therefore, Applicant respectfully requests that the rejection be withdrawn and claim 8 allowed.

New claims

Claims 10 and 11 have been added to further define the invention. Support for claims 10 and 11 can be found at least on pages 6- 14 of the specification.

Conclusion

After amending the claims as set forth above, claims 1-7 and 9-11 are now pending in this application. Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

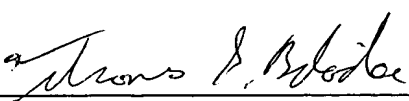
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date December 21, 2004

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 945-6162
Facsimile: (202) 672-5399

By  Pavan K. Agarwal Reg. No. 40,888

for Pavan K. Agarwal
Attorney for Applicant
Registration No. 40,888